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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1118/2024 & CRL.M.A. 10779/2024

DINESH CHANDRA AGARWAL

..... Petitioner

Through: Mr.N.Hariharan, Sr. Adv. with
Mr.Prateek Bhalla, Ms.Mallika
Chadha, Mr.Akshar Soni,
Mr.Mueed Shah, Mr.Aayush
Kumar, Mr.Shohin Bali,
Mr.Sheesh Pal Singh Shokeen,
Mr.Sanjay Kapur, Mr.Mohit
Mittal, Ms.Neha Sreshta,
Mr.Rahul Yadav, Ms.Sneha
Bakshiram, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Rahul Tyagi, ASC(CrI),
Mr.Sangeet Sibou, Mr.Amit
Kumar, Mr.Sachin Kumar,
Mr.Mridul Chakravarty,
Ms.Anjali Rohtagi, Ms.Rishita
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

01.05.2024

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), challenging the order dated 23.02.2024 passed by the learned Additional Sessions Judge (FTC) – 03, South East District, Saket Courts, New Delhi (in short, 'ASJ') in Bail Matters 491/2024, titled as *State v. Mahinder Singh Bisht*, to the extent that it directs the Investigating Officer (IO) to get the Agarwal



Medical Center, E-234, Greater Kailash-I, New Delhi sealed and to file the compliance report thereof by the next date of hearing.

2. The learned senior counsel for the petitioner submits that the learned ASJ lacked jurisdiction to pass the above order. He submits that, in fact, there is no provision in law which empowers the learned ASJ to pass such an order on a bail application of the accused. He submits that even under Section 102 of the Cr.P.C., an immovable property cannot be attached / sealed. In support, he placed reliance on the judgment of the Supreme Court in *Nevada Properties Pvt. Ltd. v. State of Maharashtra & Anr.*, (2019) 20 SCC 119.

3. The learned ASC submits that the Impugned Order was not passed on the request of the IO.

4. As the order directing sealing of the above property was neither passed on the request of the Investigating Agency nor has any reason for the same been given, in my view, the order dated 23.02.2024, insofar as it directs the sealing of the above property, cannot be sustained. The same is, accordingly, set aside to that limited extent.

5. This order shall, however, in no manner prejudice the rights of the Investigating Agency in future action, if so required.

6. The present petition and the pending application are disposed of in the above terms.

7. *Dasti*

NAVIN CHAWLA, J

MAY 1, 2024/Arya/ss

[Click here to check corrigendum, if any](#)